

State of Wisconsin



1997 Assembly Bill 57

Date of enactment: **April 27, 1998**

Date of publication*: **May 11, 1998**

1997 WISCONSIN ACT 186

AN ACT *to repeal* 13.68 (1) (c) (intro.) and 1.; *to renumber and amend* 13.68 (1) (c) 2. and 13.68 (2); *to amend* 13.64 (1) (e), 13.68 (1) (a) (intro.), 13.68 (1) (a) 3., 13.68 (1) (e), 13.68 (2) (title), 13.68 (5), 13.69 (1), 13.69 (6m) and 20.521 (1) (i); *to repeal and recreate* 13.69 (2m); and *to create* 13.67, 13.68 (1) (bn), 13.68 (1) (cm), 13.68 (2) (b) and (c), 13.69 (2m), 13.75 (5) and 19.48 (10) of the statutes; **relating to:** reporting by principals with respect to certain lobbying activities, voluntary registration by certain persons with the ethics board, compilation and use of certain information provided to the ethics board, making an appropriation and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.64 (1) (e) of the statutes is amended to read:

13.64 (1) (e) The name and position or relationship to the principal of any designee who is authorized to sign other documents required under this section or s. 13.65, 13.67 or 13.68 (1).

SECTION 2. 13.67 of the statutes is created to read:

13.67 Identification of legislative and administrative proposals. (1) Except as authorized under s. 13.621, no person may engage in lobbying as a lobbyist on behalf of a principal and no principal may authorize a lobbyist to engage in lobbying on its behalf unless the principal reports to the board, in such manner as the board may prescribe, each bill or proposed rule number in connection with which the principal has made or intends to make a lobbying communication. The principal shall file the report no later than the end of the 15th day after the date on which the principal makes a lobbying communication with respect to a legislative proposal or proposed administrative rule not previously reported by the principal under this section during the biennial period for which the

principal is registered. With respect to a lobbying communication relating to the executive budget bill or bills introduced under s. 16.47, the principal shall further identify from among topics provided by the board the topic or topics of its lobbying communications, if any. The report shall be made by a person who is identified by the principal under s. 13.64 (1) (e).

(2) Any person who is not a principal may, upon payment of the fee prescribed under s. 13.75 (5), register with the board an interest in any bill or proposed administrative rule.

SECTION 3. 13.68 (1) (a) (intro.) of the statutes is amended to read:

13.68 (1) (a) (intro.) The aggregate total amount of lobbying expenditures made and obligations incurred for lobbying activities by the principal and all lobbyists for the principal, excluding lobbying expenditures and obligations for the principal's clerical employees, lobbying expenditures and obligations for any employee of the principal who is not a lobbyist and who devotes not more than 10 hours to lobbying during a reporting period, and lobbying expenditures and obligations specified in pars. (b), (d) and (e). With respect to expenditures and obligations included in the amount reported under this paragraph:

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 4. 13.68 (1) (a) 3. of the statutes is amended to read:

13.68 (1) (a) 3. A reasonable estimate of lobbying expenditures made and obligations incurred for conducting, compiling or preparing research, information, statistics, studies or analyses used in lobbying shall be included in the aggregate total. Lobbying expenditures and obligations shall not be reported under this subdivision if the use in lobbying occurs more than 3 years after the completion of the research or the compilation or preparation of the information, statistics, studies or analyses. If the research, information, statistics, studies or analyses are used by the principal both for lobbying and for purposes other than lobbying, the principal shall allocate the lobbying expenditures and obligations among the purposes for which the research, information, statistics, studies or analyses are used and include the portion allocated to lobbying in the aggregate total. ~~Any estimate or allocation of expenditures and obligations made in good faith, under this subdivision, fulfills the requirements of this subdivision.~~

SECTION 5. 13.68 (1) (bn) of the statutes is created to read:

13.68 (1) (bn) For each bill or proposed administrative rule that accounts for 10% or more of the principal's time spent in lobbying during the reporting period, the principal's reasonable estimate of the proportion of its time spent in lobbying associated with that bill or proposed rule. With respect to the executive budget bill or bills introduced under s. 16.47, the principal shall further identify from topics provided by the board each topic that accounts for 10% or more of the principal's time spent in lobbying during the reporting period and the principal's reasonable estimate of the proportion of its time spent in lobbying associated with that topic.

SECTION 6. 13.68 (1) (c) (intro.) and 1. of the statutes are repealed.

SECTION 7. 13.68 (1) (c) 2. of the statutes is renumbered 13.68 (1) (c) and amended to read:

13.68 (1) (c) A ~~contemporaneous~~ record disclosing the amount of time and resources spent on each attempt to influence legislative or administrative action in each subject area. The contemporaneous record shall be supplied on a form provided by the board and shall include an a daily itemization of the time and resources, except the time of a clerical employee, the time of an employee who is not a lobbyist and who devotes not more than 10 hours to lobbying during a reporting period and the time of an unpaid volunteer, spent by the principal on research and preparation, the time spent meeting:

1. Meeting with elective state officials, agency officials, legislative employees of the state and other state employees having decision-making authority, and,

2. Research, preparation and any other activity which includes lobbying.

SECTION 8. 13.68 (1) (cm) of the statutes is created to read:

13.68 (1) (cm) The name of any employee of the principal, other than a clerical employee, who is not a lobbyist and who devoted time to lobbying communications during the reporting period.

SECTION 9. 13.68 (1) (e) of the statutes is amended to read:

13.68 (1) (e) The total lobbying expenditures made and obligations incurred for personal travel and living expenses, except for expenditures made or obligations incurred for the travel and living expenses of unpaid volunteers if the primary purpose of the travel is for reasons unrelated to lobbying.

SECTION 10. 13.68 (2) (title) of the statutes is amended to read:

13.68 (2) (title) ~~ESTIMATES REPORTING PROCEDURE.~~

SECTION 11. 13.68 (2) of the statutes is renumbered 13.68 (2) (a) and amended to read:

13.68 (2) (a) If the principal compensates or reimburses a lobbyist or employee both for lobbying activities or expenses which are not exempt under s. 13.621 and for other activities or expenses, for the purposes of sub. (1) (a) 1. or 6., the lobbyist or principal ~~may either report the entire amount of the compensation or reimbursement or shall estimate and report the portion of the compensation or reimbursement and reimbursements paid for nonexempt lobbying activities or expenses or, if 85% or more of the total compensation and reimbursements paid to the lobbyist or employee relate to lobbying or expenses which are not exempt under s. 13.621, the lobbyist or principal may report the entire amount of the compensation and reimbursements paid to the lobbyist or employee.~~

SECTION 12. 13.68 (2) (b) and (c) of the statutes are created to read:

13.68 (2) (b) Any reasonable estimate or allocation made in good faith under sub. (1) (a) 3. or (bn) or this subsection fulfills the requirements of this section.

(c) A principal may employ any reasonable method, acting in good faith, to record daily the information required under sub. (1) (c).

SECTION 13. 13.68 (5) of the statutes is amended to read:

13.68 (5) RECORDS. All Each principal and each lobbyist engaged by a principal shall obtain, organize and preserve all accounts, bills, receipts, books, papers and other documents necessary to substantiate the expense statement shall be obtained, organized and preserved by the principal and any lobbyist engaged by the principal, including an account identifying the amount of time that a principal and each of its authorized lobbyists spend on lobbying each day, for 3 years after the date of filing the expense statement. A principal may permit its authorized lobbyist to maintain any of the records identified in this subsection on its behalf.

SECTION 14. 13.69 (1) of the statutes is amended to read:

13.69 (1) ~~Any Except as provided in sub. (2m), any~~ principal violating ss. 13.61 to 13.68 or a rule of the board promulgated under those sections may be required to forfeit not more than \$5,000. In the case of a partnership, each of the partners is jointly and severally liable for any forfeiture imposed under this subsection.

SECTION 16. 13.69 (2m) of the statutes is created to read:

13.69 (2m) The board shall reprimand any principal who the board finds has failed to comply with s. 13.67 (1) if the principal has not been found to have committed the same offense within the 3-year period preceding the date of the violation. Any principal who fails to comply with s. 13.67 (1) a 2nd time within a period of 3 years from the date of the first violation may be required to forfeit not more than \$100 for the 2nd such offense.

SECTION 17. 13.69 (2m) of the statutes, as affected by 1997 Wisconsin Act (this act), is repealed and recreated to read:

13.69 (2m) Any principal who fails to comply with s. 13.67 (1) and who has not been found to have committed the same offense within the 3-year period preceding the date of the violation may be required to forfeit not more than \$25. Any principal who fails to comply with s. 13.67 (1) a 2nd time within a period of 3 years from the date of the first violation may be required to forfeit not more than \$100 for the 2nd offense.

SECTION 18. 13.69 (6m) of the statutes is amended to read:

13.69 (6m) Any principal, lobbyist or other individual acting on behalf of a principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which he or she does not believe to be true may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

SECTION 19. 13.75 (5) of the statutes is created to read:

13.75 (5) Registering an interest in a bill or proposed administrative rule under 13.67 (2), \$10.

SECTION 20. 19.48 (10) of the statutes is created to read:

19.48 (10) Compile and make available information filed with the board in ways designed to facilitate access to the information. The board may charge a fee to a person requesting information for compiling, disseminating or making available such information, except that the board shall not charge a fee for inspection at the board's office of any record otherwise open to public inspection under s. 19.35 (1).

SECTION 21. 20.521 (1) (i) of the statutes is amended to read:

20.521 (1) (i) *Materials and services.* The amounts in the schedule for the costs of publishing documents, locating and copying records, postage and shipping and conducting programs under s. 19.48 (9) and of compiling, disseminating and making available information prepared by and filed with the board under s. 19.48 (10). All moneys received by the board from sales of documents, and from fees collected for copies of records, for postage, for shipping and location fees, and from fees assessed to ~~participants in programs~~ under s. 19.48 (9) and (10) shall be credited to this appropriation account.

SECTION 22. Nonstatutory provisions; information technology support.

(1) The department of administration shall cooperate with the ethics board with respect to information technology support and shall provide information technology support to the ethics board to effect implementation of this act.

SECTION 23. Initial applicability.

(1) The treatment of section 13.68 (1) (a) (intro.) and 3., (bn), (c) (intro.), 1. and 2., (cm) and (e), (2), (2) (b) and (5) of the statutes first applies with respect to reports under section 13.68 of the statutes due to be filed on July 31, 1999.

SECTION 24. Effective dates. This act takes effect on January 1, 1999, except as follows:

(1) The repeal and recreation of section 13.69 (2m) of the statutes takes effect on January 1, 2001.